

AMENDED IN ASSEMBLY JUNE 14, 2012

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 580

Introduced by Senators Wolk and Kehoe
(Coauthors: Senators Evans, Leno, and Pavley)
(Coauthors: Assembly Members Chesbro and Huffman)

February 17, 2011

An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 580, as amended, Wolk. State parks: acquired land: limits on disposition or use.

(1) Existing law authorizes the Department of Parks and Recreation, with the consent of the Department of Finance, to acquire title to or any interest in real property that the department deems necessary or proper for the extension, improvement, or development of the state park system. Existing law also authorizes the department to accept monetary and real property gifts to be used in any connection with the state park system.

This bill would, *except as provided below*, prohibit land acquired for the state park system, through public funds or gifts, from being disposed of or used for other purposes incompatible with *state park system* purposes without the substitution of other land. This bill would require the State Park and Recreation Commission, following a duly noticed public hearing, to certify that all requests to dispose of or use the land for ~~other purposes~~ *those* incompatible with park purposes provide for

the substitution of other land meeting certain criteria. If lands that fully meet the substitution eligibility criteria cannot be acquired, the commission would be authorized, if certain conditions are met, to approve a combination of substitute park lands and monetary compensation to allow for the disposal or use of lands for ~~other purposes~~ *those incompatible with park purposes*. The bill would require that the commission consider requests only if the commission determines that all practical alternatives that avoid the proposed disposal or use of park lands for ~~other purposes~~ *those incompatible with park purposes* have been considered.

This bill would provide that its provisions shall not apply to existing uses of state park lands that have been authorized on or before January 1, ~~2012~~ 2013, by written agreement with the Department of Parks and Recreation or by the general plan for a state park unit.

(2) Existing law authorizes a reconfiguration of the Candlestick Point State Recreation Area (state recreation area) if certain requirements are met and authorizes the Director of the Department of Parks and Recreation to remove the land from the state recreation area and enter into an agreement to convey to the San Francisco Redevelopment Agency, or to the City of San Francisco, an interest in the state property, if the director makes certain findings. Existing law provides that these provisions govern an agreement entered into or ~~convergence~~ *convergence* made pursuant to the agreement and supersede any other provision of law pertaining to the department's authority to acquire or transfer real property, or to enter into an agreement to acquire or transfer real property.

This bill would provide that it does not amend, repeal, or limit the effect of this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5013.2 is added to the Public Resources
- 2 Code, to read:
- 3 5013.2. (a) (1) Land acquired for the state park system with
- 4 public funds or through receipt of gifts or bequests from individuals
- 5 or private entities with the express purpose of expanding or
- 6 maintaining the state park system shall not be disposed of or used
- 7 for other purposes incompatible with park purposes ~~without the~~

1 ~~substitution of other land pursuant to subdivision (b) described in~~
2 *Article 1.7 (commencing with Section 5019.50), unless the*
3 *department satisfies the requirements of subdivision (b) or (c).*

4 (2) *This subdivision applies to land regardless of classification*
5 *within the state park system.*

6 (b) Following a duly noticed public hearing, the State Park and
7 Recreation Commission shall certify that any request to dispose
8 of or use for other purposes incompatible with park purposes land
9 described in subdivision (a) shall provide for the substitution of
10 other land that meets all of the following criteria:

11 (1) Has equal environmental, natural, cultural, or historical
12 value, or other value for which the park was established.

13 (2) Has the same or greater fair market value, as established by
14 an appraisal conducted by a qualified member of the Appraisal
15 Institute who is licensed pursuant to Part 3 (commencing with
16 Section 11300) of Division 4 of the Business and Professions Code.

17 (3) Is located in an area that would allow for use of the substitute
18 park land by generally the same persons who used the acquired
19 land.

20 (4) Provides reasonably equivalent public access and recreational
21 value.

22 (c) In the event that substitute lands cannot be acquired to fully
23 meet the requirements of subdivision (b), the commission may
24 approve a combination of substitute park lands and monetary
25 compensation to allow for the disposal or use of lands pursuant to
26 subdivision (a) if all of the following criteria are met:

27 (1) To the greatest extent possible, all substitute lands meet the
28 requirements of subdivision (b).

29 (2) Any monetary compensation is equal to or greater than the
30 fair market value of the lands under subdivision (a) that are not
31 otherwise substituted for under paragraph (1), as established by
32 an appraisal conducted by a qualified member of the Appraisal
33 Institute who is licensed pursuant to Part 3 (commencing with
34 Section 11300) of Division 4 of the Business and Professions Code.

35 (3) Any monetary compensation is sufficient to enable the
36 department to acquire, in fee simple, other park lands of equal
37 acreage to the lands not otherwise substituted for under paragraph
38 (1), plus the costs of developing those park lands, including park
39 facilities and other improvements to the land as may be deemed
40 necessary by the commission. The department shall give preference

1 to the acquisition of substitute park lands that are located generally
2 within the geographic region affected by the loss of park lands
3 under this section.

4 (d) The commission shall consider requests for purposes of
5 subdivision (b) only if the commission determines that all practical
6 alternatives that avoid the proposed disposal or use of park lands
7 for other purposes incompatible with park purposes have been
8 considered. In making the determination, the commission shall
9 consider information provided by other governmental entities with
10 regulatory or permitting authority over the proposed nonpark use
11 and other interested parties.

12 (e) This section shall not apply to existing uses of state park
13 lands that have been authorized on or before January 1, ~~2012~~ 2013,
14 by written agreement with the department pursuant to an existing
15 permit, a legally recorded deed, a memorandum of understanding,
16 or other written agreement with the department, or by the general
17 plan for a state park unit. This subdivision does not expand or
18 facilitate the use of state park lands beyond the current use allowed
19 on or before January 1, ~~2012~~ 2013, by written agreement with the
20 department.

21 SEC. 2. This act does not amend, repeal, or limit the effect of
22 subdivision (f) of Section 26 of Chapter 203 of the Statutes of
23 2009.